

Message Text

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TO AMEMBASSY JAKARTA PRIORITY

INFO AMEMBASSY BANGKOK PRIORITY

AMEMBASSY MANILA

C O N F I D E N T I A L STATE 179258

FOLLOWING REPEAT STATE 179258 ACTION MANILA 15 AUG

QUOTE

C O N F I D E N T I A L STATE 179258

E.O. 11652: GDS

TAGS: MASS, RP, EAID

SUBJECT:GAO QUESTION ON PHILIPPINE PRISONERS

REFS: A. MANILA 9597

B. MANILA 4675

1. DEPARTMENT APPROVES EMBASSY REPLIES TO GAO QUESTIONS

REFTELS SUBJECT TO FOLLOWING CHANGES:

A. QUESTION 1: WE PREFER A SIMPLER ANSWER. WOULD THE FOLLOWING MEET THE INQUIRY: QUOTE SO FAR AS WE ARE AWARE, THE PHILIPPINES HAS NO LEGAL DEFINITION OF THE TERM 'POLITICAL PRISONERS.' CURRENTLY, THE GOVERNMENT SEEMS TO USE THE TERM INFORMALLY TO DESCRIBE PRISONERS WHO ARE CONSIDERED TO THREATEN THE STABILITY AND NATIONAL SECURITY OF THE PHILIPPINES. IT SHOULD BE NOTED THAT THIS PHILIPPINE USE OF THE TERM 'POLITICAL PRISONERS' DOES NOT DISTINGUISH
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BETWEEN THOSE WHO ADVOCATE THE USE OF VIOLENCE IN OPPO-

SITION TO THE GOVERNMENT AND THOSE WHO DO NOT. IT HAS BEEN GENERALLY ASSERTED BY THE GOVERNMENT THAT PERSONS ARE NOT IMPRISONED MERELY FOR THEIR POLITICAL BELIEFS OR AFFILIATIONS. END QUOTE.

B. QUESTION 2: WE SUGGEST THE FOLLOWING REVISED WORDING: QUOTE THE GOVERNMENT DOES NOT PUBLISH FIGURES ON THE NUMBER OF SUCH PERSONS DETAINED. WE BELIEVE THAT THERE ARE APPROXIMATELY FIVE THOUSAND PRISONERS WHO WOULD FALL INTO THE PHILIPPINE CATEGORY OF THOSE THREATENING THE STABILITY AND NATIONAL SECURITY OF THE GOP. THE BULK OF THESE PRISONERS PROBABLY CONSIST OF ADHERENTS OF GROUPS PRESENTLY IN ARMED CONFLICT WITH THE GOVERNMENT, I.E., MUSLIM INSURGENTS AND DISSIDENTS OF THE NEW PEOPLES ARMY (A 'MAOIST' GUERRILLA MOVEMENT), TOGETHER WITH LEFTIST-COMMUNIST ELEMENTS OF DIVERSE FRONT GROUPS. THE REMAINDER, VARIOUSLY ESTIMATED AT 7-10 PERCENT OF THE TOTAL, ARE THOUGHT TO BE OPPONENTS OF THE MARTIAL LAW ADMINISTRATION OR OF PRESIDENT MARCOS, WHO ARE NOT KNOWN TO HAVE BEEN ASSOCIATED WITH OR TO HAVE ADVOCATED ARMED RESISTANCE TO THE GOVERNMENT. THIS ELEMENT MAY NUMBER CLOSE TO THE FIGURE OF 350 POLITICAL PRISONERS CITED IN THE 'STARS AND STRIPES' ARTICLE. IT SHOULD BE HELD IN MIND THAT THE NUMBER UNDER DETENTION CHANGES AS PRISONERS ARE PICKED UP AND RELEASED. END QUOTE.

C. QUESTION 3. WE SUGGEST THE FOLLOWING WORDING: QUOTE WE DO NOT KNOW HOW MANY OF THESE (5,000) PRISONERS HAVE BEEN CHARGED OR WITH WHAT OFFENSES. FROM THE INFORMATION AVAILABLE TO THE EMBASSY IT APPEARS THAT THE GOVERNMENT HAS BROUGHT TO TRIAL ONLY ONE PERSON IN THIS CATEGORY AND THAT MOST OF THE REST HAVE BEEN NEITHER CHARGED NOR TRIED. WITH THE EFFECTIVE SUSPENSION OF HABEAS CORPUS THERE IS NO JUDICIAL TESTING OF THE BASIS FOR DETENTION. UNDER THE 1973 CONSTITUTION AND MARTIAL LAW AN ARREST WARRANT CAN BE ISSUED ONLY UPON DETERMINATION OF PROBABLE CAUSE, A DETERMINATION WHICH JUDGES AND SOME MILITARY OFFICERS ARE EMPOWERED TO MAKE. THE MILITARY ALSO IS EMPOWERED UNDER MARTIAL LAW TO MAKE ARRESTS. WE ASSUME THAT IN MOST CASES THE GOVERNMENT WOULD ASSERT THAT THE BASIS FOR ARREST, DETENTION, AND ANY CHARGES IS SOME ACT WHICH THE GOVERNMENT

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CONSIDERS TO THREATEN THE STABILITY OR NATIONAL SECURITY OF THE PHILIPPINES AS OUTLINED IN PROCLAMATION 1081. IN THE ABSENCE OF PUBLIC CHARGES AND WITH THE EFFECTIVE SUSPENSION OF HABEAS CORPUS, HOWEVER, WE DO NOT NOW HAVE THIS KIND OF INFORMATION. END QUOTE. DEPARTMENT'S AMMENDMENT OF EMBASSY ANSWER TO QUESTION 3 IS BASED ON REF B. IF FIRST TWO SENTENCES AND LAST SENTENCE OF THIS ANSWER ARE NOT CORRECT (E.G., HAS ONLY AQUINO OF THE 5,000 BEEN PUBLICLY

CHARGED?), PLEASE CORRECT TEXT.

D. QUESTION 4: APPROVED.

E. QUESTION 5: PLEASE CHANGE FINAL SENTENCE TO READ QUOTE
THE ASSISTANCE PROJECT WAS EFFECTIVELY COMPLETED AT THE END
OF THE LAST FISCAL YEAR AND NO FURTHER ASSISTANCE WILL BE
PROVIDED. END QUOTE.

F. QUESTION 6: PLEASE CHANGE FIRST SENTENCE TO READ:

QUOTE THE EMBASSY HAS NO WAY OF OBTAINING OFFICIAL CONFIRM-
ATION OF THE 'STARS AND STRIPES' STATEMENT ABOUT POLITICAL
DETAINEES BECAUSE THE SUBJECT OF POLITICAL PRISONERS IS NOT
A MATTER OF PUBLIC RECORD.;END QUOTE.

G. QUESTION 7: WE SUGGEST THE FOLLOWING REVISIONS:

QUOTE PLANS FOR U.S. SUPPORT OF CANU TEAMS WERE RECENTLY
DEVELOPED, AND THERE WERE NO SUCH SUPPORT ARRANGEMENTS
AT THE TIME OF THE HILAO CASE. THE CURRENT AGREEMENT TO
SUPPORT SIX-MAN CANU TEAMS WITH BASIC EQUIPMENT AND
ADVISORY AND TRAINING ASSISTANCE WAS SIGNED ON APRIL 16,
1974. CANU IS ELIGIBLE FOR NARCOTICS FUNDING UNDER SECTION
481 OF THE FOREIGN ASSISTANCE ACT. WHEN CANU PERSONNEL
HAVE BEEN TRAINED AND THE COMMODITIES BEGIN TO ARRIVE IN
COUNTRY, SIX-MAN TEAMS IN CANU WILL BE FORMED OR RE-FORMED
AND DESIGNATED AS U.S.-SUPPORTED TEAMS. SOME CANU
PERSONNEL HAVE BEEN AND PERHAPS WILL AGAIN BE USED ON AN
AD HOC BASIS TO PARTICIPATE IN POLICE ACTIVITY OTHER THAN
NARCOTICS, BUT THE GOP HAS AGREED NOT TO USE THE U.S.-
SUPPORTED UNITS IN ANY BUT NARCOTICS OPERATIONS NOR TO
ALLOW U.S.-PROVIDED EQUIPMENT TO BE USED BY OTHER THAN
FULLTIME NARCOTICS TEAMS, OR THE EQUIPMENT WILL BE WITH-
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DRAWN. A JOINT PHILIPPINE-U.S. INSPECTION TEAM WILL MONI-
TOR ALL U.S.-SPONSORED NARCOTICS TEAMS IN THE COUNTRY
VISITING EACH TEAM SEVERAL TIMES A YEAR. END QUOTE.

2. WOULD APPRECIATE NOTIFICATION WHEN ANSWERS ARE GIVEN
TO GAO.

KISSINGER UNQUOTE

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